



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,090	07/30/2003	Richard K. Brashears	0275L-597COB	8487
27572	7590	07/12/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			FREAY, CHARLES GRANT	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/630,090	Applicant(s) BRASHEARS ET AL	
	Examiner Charles G. Freay	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-38 is/are allowed.
- 6) ☒ Claim(s) 1,6-13 and 15-28 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the amendment of May 4, 2005. In making the below rejections and/or abjections the examiner has considered and addressed each of the applicant's arguments.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-13, 15-25, 27 and 28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nolan (USPN 6,375,437).

Nolan discloses an air compressor having a base constructed of tubular members including laterally extending sides (64) and strut members (66) and (90). There is a handle (92) on one of the struts. Further there is at least one air tank (24) connected to the base. A compressor (14) and an gauge panel (70) which is rearwardly sloped and includes a regulator (40) and regular gauges (38,42). Further there are couplings (46). Nolan does not set forth the specific volume capacity of the air tanks. It is either inherent, or the least obvious, that the air tanks are at least within the range of

Art Unit: 3746

0.5-3.0 gallons. This is a common air tank capacity for portable air compressor tanks used in the construction field. The capacity is directly related to the machines (nail guns etc.) which are driven from the air tank and this air tank capacity is required to insure that enough compressed air is available to operate the machines consistently without interruption.

The examiner notes that the statements set forth in the "wherein ..." clauses throughout the claims merely set forth the results of the limitations of the claims and add nothing to the patentability or substance of the claims. These limitations set forth the results of what will happen to the compressor when it is picked up by the handle (92) for transport, including rotating around a horizontal axis, location within 3 to 10 inches of the user the center of gravity being below the handle, etc.. The Nolan reference will perform in the same manner as set forth in the claims if picked up by the user with a single handle (92). The statement in claims 3, 15 and 33 that the wrist is not in flexion is a statement of desired result. Because Nolan teaches of the structure as claimed it will perform this desired result.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan.

Art Unit: 3746

As set forth above Nolan discloses the invention substantially as claimed. Nolan does not specifically state that the coupling is a quick disconnect coupling. One of ordinary skill in the art when looking at the figure would recognize that the coupling is a quick disconnect coupling. Further, the examiner gives official notice that quick disconnect couplings are well known in the art and that it would have been obvious to one of ordinary skill in the art to use such a coupling in the Nolan device in order to allow for the easy connect and disconnection of associated tools.

Allowable Subject Matter

Claims 29-38 are allowed.

Claims 2-5 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed May , 2005 have been fully considered but they are not persuasive. The applicant argues that Nolan does not disclose the unit having a hand-carried transport position that is transverse to its operating position and that Nolan discloses the unit being carried by two hands.

With regards to the first argument the examiner notes that "transverse" means "situated or lying across". It is not equivalent to perpendicular. Because any titling of the

Art Unit: 3746

Nolan unit when lifted would result in a transverse state this argument does not overcome the reference.

With regards to the second limitation the examiner notes that the claims do not set forth that the unit is carried by only one hand. Therefore when the unit is lifted by two hands the claims as written are still anticipated or obvious as set forth in the above rejections. Further, it is noted that if a user picked up the compressor by one handle the device would rotate some transverse position.

The statement that quick connect-disconnect couplings are well known in the art is taken to be admitted prior art because the applicant did not traverse the examiner's assertion of official notice.

Additionally, it is noted that applicant argued that claims 15-17 should be allowable because they depend from claim 14. These claims are dependant upon claim 13 however.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 3746

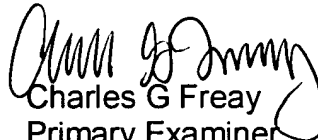
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles G. Freay whose telephone number is 571-272-4827. The examiner can normally be reached on Monday through Friday 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3746

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles G Freay
Primary Examiner
Art Unit 3746

CGF
July 8, 2005